

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MICHAEL SOMAHKAWAHO</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 19-5233</b>
	:	
<b>ROBERT GILMORE, THE DISTRICT ATTORNEY OF THE COUNTY OF BUCKS, THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA</b>	: : : : :	

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of October 2023, upon our independent study of the Petition for *habeas corpus* (ECF No. 1) with additional Claims (ECF Nos. 23, 28), Respondents' Opposition (ECF No. 27), following our study of Judge Wells's extensive Report and Recommendation (ECF No. 34), without objection due two weeks ago, and finding Judge Wells' analysis of the Petitioner's claims the state court misapplied Pennsylvania law based solely on state law are not cognizable under our habeas jurisdiction and his remaining claims are time barred with no demonstrated basis for statutory or equitable tolling, it is **ORDERED** we:

1. **APPROVE AND ADOPT** Judge Wells's Report and Recommendation (ECF No. 34);
2. **DISMISS AND DENY** the Petition for writ of *habeas corpus* (ECF No. 1) and additional claims (ECF Nos. 23, 28) with prejudice;
3. **DENY** a certificate of appealability; and
4. The Clerk of the Court shall **close** this case.

  
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**KEARNEY, J.**